

Order

Michigan Supreme Court
Lansing, Michigan

May 1, 2009

Marilyn Kelly,
Chief Justice

137425

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

CONSUMERS ENERGY COMPANY,
Plaintiff-Appellee,

v

SC: 137425
COA: 277039
Oakland CC: 2006-072541-CH

EUGENE A. ACEY, ELEANORE ACEY,
FREDERICK WILLIAM DROUILLARD,
SHIRLEY ANN DROUILLARD, JOHN
EGLITIS, LAURA EGLITIS, DEL S. FISHMAN,
KATHY FISHMAN, ROBERT J. HOFFMAN,
TROY A. KNIGHT, FAWN Y. KNIGHT,
RICHARD M. VAUGHN, BRENDA S.
VAUGHN, DOUGLAS A. HYMAN, and
MARGO KING HYMAN,
Defendants-Appellants.

On order of the Court, the application for leave to appeal the July 17, 2008 judgment of the Court of Appeals is considered and, in lieu of granting leave to appeal, we REVERSE the Court of Appeals judgment to the extent that it reversed the trial court's order limiting the easement to a "66-foot working strip." Although the majority of the written easements at issue in this case do not include the limitation, the plaintiff voluntarily and expressly agreed on the record to the imposition of this limitation. See *Dana Corp v Employment Security Comm*, 371 Mich 107, 110 (1963); *Bowman v Coleman*, 356 Mich 390, 392-393 (1959).



s0428

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 1, 2009

Corbin R. Davis

Clerk